

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDERSON KILL & OLICK, P.C.,

Plaintiff,

y.

1:08-cv-4565 (AKH) (RLE)

BRAY & GILLESPIE, INC.; BRAY & GILLESPIE  
MANAGEMENT, LLC; CHARLES A. BRAY and  
JOSEPH GILLESPIE,

**Electronically Filed**

Defendants.

**DEFENDANTS' NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on the 5<sup>th</sup> day of June 2008, counsel for defendants Bray & Gillespie, Inc.; Bray & Gillespie Management, LLC; Charles A. Bray and Joseph Gillespie will move this Court before the Honorable Alvin K. Hellerstein, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007 on June 27, 2008 at 9:30 a.m. or at another time and date to be designated by this Court for an Order granting Defendants' Motion to Dismiss for Claims Pursuant to Rules 9(b) and 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Defendants shall rely upon this Notice of Motion, Memorandum of Law in Support of Defendants' Motion to Dismiss for Claims Pursuant to Rules 9(b) and 12(b)(6), and the pleadings filed in this action.

Dated: June 5, 2008  
New York, New York

Respectfully submitted,

s/ Suzanne M. D'Amico  
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